

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Rochester,

Debtor.

Case No. 19-20905

Chapter 11

MOTION OF R.O. FOR RELIEF FROM THE AUTOMATIC STAY

R.O. (the “**Movant**”) filed a Sexual Abuse Claim against The Diocese of Rochester (the “**Debtor**” or the “**Diocese**”) and brought a claim against other defendants in a separate lawsuit filed in Monroe County Supreme Court (Index No. E2020004964), naming St. Bridget Church and School (now d/b/a Immaculate Conception-St. Bridget’s) and the Sisters of St. Joseph of Rochester (the “**Clergy Abuse Action**”). The Movant, a child sexual abuse claimant in the above-captioned Chapter 11 case, by and through his undersigned counsel, hereby moves (this “**Motion**”) this Court for an Order granting relief from the automatic stay pursuant to section 362 of the Bankruptcy Code to allow the Movant to proceed to judgment on the grounds set forth below:

Background Facts

1. The Diocese of Rochester filed a petition for relief under Chapter 11 on September 12, 2019 (the “**Petition Date**”).

2. The Petition Date was less than one month after the New York Child Victims Act opened a window period for child sexual abuse survivors to file claims. Therefore, the Movant did not have an opportunity to file a lawsuit against the Diocese prior to the Petition Date. The Movant filed the Clergy Abuse Action against the other defendants and filed a related proof of claim in the Debtor’s bankruptcy case.

3. On or about August 10, 2020, the Movant timely filed Sexual Abuse Proof of Claim No. 396 against the Diocese.

4. The Clergy Abuse Action and the related Sexual Abuse Claim seek damages against the Debtor and other parties on account of clergy child sexual abuse by an individual for whom the Diocese and the other parties were responsible.

5. The Clergy Abuse Action is pending in Monroe County Supreme Court (Index No. E2020004964), subject to the *Agreed Stipulation and Order Pursuant to 11 U.S.C. §105(a) Staying Continued Prosecution of Certain Lawsuits* [Docket No. 452]. The claim set forth in the Clergy Abuse Action is unliquidated.

Relief Requested

6. The Movant respectfully requests relief from the automatic stay for cause pursuant to 11 U.S.C. § 362(d) to prosecute the Clergy Abuse Action against the Diocese and all other defendants to such action. The Movant will amend the complaint in the Clergy Abuse Action to include the Diocese as a defendant if this Motion is granted. The Movant seeks stay relief to prosecute the Clergy Abuse Action and obtain a judgment therein. However, the Movant will not seek to enforce such judgment, subject to further order of the Court.

Basis for Relief Requested

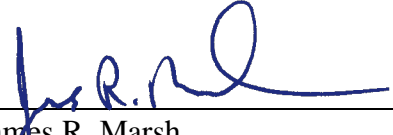
7. Relief from the automatic stay should be granted because cause exists as set forth in (a) the *Joinder of the Official Committee of Unsecured Creditors in Motions for Relief from Automatic Stay* (the “**Joinder**”) and (b) the *Memorandum of Law in Support of Motions for Relief from Automatic Stay* (the “**MOL**”), filed concurrently with this Motion, and any related declaration or reply pleadings and such other arguments or evidence as may be adduced at the

hearing hereon. The Joinder, the MOL and all exhibits or attachments thereto are incorporated herein by reference for all purposes as though set forth fully herein.

8. The Movant hereby waives his right to an automatic termination of the stay which would otherwise be granted pursuant to 11 U.S.C. § 362 (e) after the expiration of thirty (30) days from the date of his request for relief under 11 U.S.C. § 362 (e).

WHEREFORE, Movant requests that this Court issue an Order (a) granting relief from the automatic stay as requested herein and in the Joinder and (b) such other and further relief as the Court deems just and proper.

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